

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHARIFF BUTLER and
JEREMEY MELVIN,

Plaintiffs,

v.

KEVIN KAUFFMAN, *et al.*,

Defendants.

No. 4:19-CV-02171

(Chief Judge Brann)

ORDER

JULY 27, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendants' motion for summary judgment (Doc. 94) is **GRANTED
IN PART AND DENIED IN PART.**
2. The motion for summary judgment is granted with respect to all claims other than the retaliatory cell search claim raised in Count 9 of the complaint. (*See* Doc. 1 at 42).
3. The Clerk of Court is directed to enter judgment in favor of Defendants Walters, Harris, Sipple, Ewell, Green, Bilger, Price, Wakefield, Ralston, and Stratton and dismiss those Defendants from the case.

4. The Clerk of Court is directed to dismiss Plaintiff Melvin from this case.
5. This case shall proceed only as to Plaintiff Butler's retaliatory cell search claim against Defendants Kauffman, Reed, and Emigh.
6. The Court hereby announces its intention to consider granting summary judgment to the remaining Defendants on the retaliatory cell search claim because it appears from the record before the Court that the complaint fails to allege a causal connection between Plaintiff Butler's allegedly protected conduct and Defendants' allegedly retaliatory actions and that there is no evidence from which a reasonable finder of fact could find a causal connection.
7. Within thirty days of the date of this Order, Plaintiff Butler shall produce to the Court all evidence that he has in support of his retaliatory cell search claim.
8. Within fourteen days of the date of Plaintiff Butler's submission, Defendants may submit any additional evidence that is relevant to the retaliatory cell search claim.
9. The Court shall consider granting summary judgment on the retaliatory cell search claim based on the evidence submitted by the parties and the record that is already before the Court. If no additional

evidence is submitted, the Court shall conduct its analysis based solely on the record that is presently before the Court.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge